

# STATE OF MONTANA TERM CONTRACT

Department of Administration  
State Procurement Bureau  
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**T.C. #: MA-165**  
**Title: WESTERN STATES CONTRACTING ALLIANCE**  
**TIRES, TUBES & SERVICES**  
**This is a non-exclusive contract.**

CONTRACT TERM	FROM	OCTOBER 24, 2007	CONTRACT STATUS	NEW (XX)
	TO	FEBRUARY 28, 2008		RENEW ( )
VENDOR ADDRESS	MICHELIN NORTH AMERICA, INC PO BOX 19001 GREENVILLE, SC 29602		ORDER ADDRESS	
ATTN:	LARRY SMELTZ		ATTN:	
PHONE:	864-458-6487		PHONE:	
FAX:	864-458-5119		FAX:	
E-MAIL:	Larry.smeltz@us.michelin.com		E-MAIL:	

PRICES: Pricing may be found by going to the following website listed below:

<http://www.aboutwsca.org/contracts/tires.cfm>.

DELIVERY: Notwithstanding the foregoing, nothing herein shall prohibit the delivery of products or services pursuant to this contract by contractor's authorized independent dealers or franchise. Contractor may assign any right to receive payment to a third party.

TERMS: PER CONTRACT

WSCA FV7901

RHONDA R. GRANDY, Contracts Officer

Date:

**AUTHORIZED SIGNATURE**

## **TIRES, TUBES & SERVICES**

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This document represents an overview of the Western States Contracting Alliance Tires, Tubes & Services. This document is not intended to replace or append the contract, rather to provide an overview and summary of the agreement.

### **1.0 BACKGROUND**

The State of Montana is a member of the Western States Contracting Alliance (WSCA), which establishes the means by which participating states may join together in cooperative multi-state contracting in order to achieve cost-effective and efficient acquisition of quality products and services. This contract is a result of cooperative procurement conducted by the State of Utah on behalf of WSCA.

### **2.0 PURPOSE**

The purpose of this contract is provide state agencies and all registered cooperative purchasing organizations with an expedited means of obtaining Tires, Tubes & Services

### **3.0 NON-EXCLUSIVE CONTRACT**

The intent of this contract is to provide state agencies with an expedited means of procuring supplies and/or services. This contract is for the convenience of state agencies and is considered by the State Procurement Bureau to be a "Non-exclusive" use contract. Therefore, agencies may obtain this product/service from sources other than the contract holder(s) as long as they comply with Title 18, MCA, and their delegation agreement. The State Procurement Bureau does not guarantee any usage.

### **4.0 LIAISON**

The primary contractor contact for this participating addendum is as follows:

Larry Smeltz  
One Parkway South  
Greenville, SC 29615  
864-458-6487  
864-458-5119

State Liaison

Rhonda R. Grandy  
State of Montana, General Services Division, State Procurement Bureau  
125 N. Roberts, Mitchell Bldg., Room 165  
Helena, MT 59620  
Phone: 406-444-3320  
Fax: 406-444-2529  
Email: [rhgrandy@mt.gov](mailto:rhgrandy@mt.gov)

## **TIRES, TUBES & SERVICES**

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### **5.0 ORDERING PROCEDURE**

In accordance with the terms of the contract, an agency purchase order must be issued to the contractor for all required products. The purchase order must reference the contract number WSCA MA-331 and identify all items desired, the purchase order date, the delivery date, shipping locations and prices.

### **6.0 CONTRACT TERM**

This contract shall take effect on October 24, 2007, and terminate on February 28, 2008, unless terminated earlier in accordance with the terms of this contract. (Mont. Code Ann. § 18-4-313.)

### **7.0 CONTRACT RENEWAL**

This contract may, upon mutual agreement between the parties and according to the terms of the existing contract, be renewed in one-year intervals, or any interval that is advantageous to the State. This contract may be extended for four renewal periods, if mutually agreed upon.

# **TIRES, TUBES & SERVICES**

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**PARTICIPATING ADDENDUM  
WESTERN STATES CONTRACTING ALLIANCE  
TIRES, TUBES & SERVICES  
MASTER PRICE AGREEMENT  
WSCA MA-165, "PRICE AGREEMENT"**

**Government Entity: The State of Montana**

**1. SCOPE:**

All governmental entities within the State of Montana and all registered Cooperative Purchasing Organizations are authorized to purchase Tires, Tubes & Services under WSCA master agreement #MA-165.

**2. CHANGES:**

The following terms are added to this Participating Addendum:

**A. ACCESS AND RETENTION OF RECORDS**

The contractor agrees to provide the department, Legislative Auditor, or their authorized agents, access to any records necessary to determine contract compliance (Mont. Code Ann. § 18-1-118). The contractor agrees to create and retain records supporting the services rendered or supplies delivered for a period of three years after either the completion date of the contract or the conclusion of any claim, litigation, or exception relating to the contract taken by the State of Montana or third party.

**B. ASSIGNMENT, TRANSFER AND SUBCONTRACTING**

The Contractor shall not assign, transfer or subcontract any portion of this contract without the express written consent of the State. (Mont. Code Ann. § 18-4-141.) The Contractor shall be responsible to the State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by the Contractor. No contractual relationships exist between any subcontractor and the State.

**C. CHOICE OF LAW AND VENUE**

This contract is governed by the laws of Montana. The parties agree that any litigation concerning this bid, proposal or subsequent contract must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana and each party shall pay its own costs and attorney fees. (See Mont. Code Ann. § 18-1-401.)

**D. TERMINATION OF CONTRACT**

Unless otherwise stated, the State may, by written notice to the contractor, terminate this Participating Addendum whole or in part without cause.

**E. PURCHASING CARD**

The State of Montana has a Purchasing Card Program in place that gives agencies the ability to charge purchases made from these contracts. The State of Montana prefers this method of payment.

**3. PRIMARY AGREEMENT CONTACT:**

Rhonda R. Grandy

4. PRICE AGREEMENT OR CONTRACT NUMBER:

All purchase orders issued by purchasing entities within the jurisdiction of this participating addendum shall include Price Agreement or Contract Number: WSCA #MA-165.

This Addendum and Price Agreement or Contract Number together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Price Agreement or Contract Number, together with its exhibits, shall not be added to or incorporated into this Addendum or Price Agreement/Contract Number and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Price Agreement or Contract Number and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms.

Pricing may be found by going to the WSCA link at the following site:

<http://www.aboutwsca.org/contracts/tires.cfm>.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

Government Entity: State of Montana

By: General Services Division

Name: Marvin Eicholtz

Title: Administrator

Date:

By: \_\_\_\_\_

Name: Rhonda R. Grandy

Title: Contracts Officer

Date: September 1, 2007

Contractor: Michelin North America, Inc.

By: \_\_\_\_\_

Name: Roger G. Handren

Title: National Government Sales Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_